

FCC COMMISSIONER KATHLEEN Q. ABERNATHY NEWS YOU CAN USE

Do-Not-Call Lists

It can be annoying when a telemarketer phones you at dinnertime, but that's one hassle you don't have to tolerate. There's a range of ways to stop unsolicited calls to your home. The FCC has tried to make protecting your privacy easy by requiring telemarketers to establish "do-not-call" lists. Below is some "News You Can Use" to fend off unwanted callers:

How can you keep a telemarketer from calling again?

Ask to be placed on the company's do-not-call list. FCC rules require telemarketers to keep a record of requests to receive no more telephone solicitations; the record of your do-not-call request must be kept for ten years. Your do-not-call request should stop all calls from the person or entity calling you, and it should prevent calls from affiliated entities where, due to caller identification and product advertised, you'd reasonably expect the request to apply as well.

None of the FCC's do-not-call rules applies to calls made by tax-exempt nonprofit organizations, such as charities, or calls placed to business telephone numbers. Some states have additional provisions that address unsolicited calls to business numbers as well.

What action can you take if the calls continue?

If you receive the following type of call – a live telephone solicitation call at your home from a person/entity, or on behalf of a person/entity, on two or more occasions within any 12-month period after you requested to be added to their do-not-call list – here are some actions you can take:

1. Contact the FCC. The FCC may issue warnings or fines upon companies violating do-not-call rules. A fine can be up to \$11,000 per violation, unless a telemarketer is also a Commission licensee. To report a do-not-call rule violation, you may send a typed or legibly printed letter regarding suspected do-not-call violations to: Federal Communications Commission, Consumer Information Bureau, Complaints, 445 12th St., SW, Washington, D.C. 20554. You may also send your letter via fax to (202) 418-0710 or via e-mail to fccinfo@fcc.gov.

Your letter should include the following information:

- your name, address, and daytime telephone number
- the Action you are requesting, such as requesting a person or business to:
 - stop calling your home telephone number
 - add your name to their do-not-call list
- the date you requested to be added to the company's do-not-call list, and the name of the individual you spoke with, if available
- the home or business number the solicitor called

- the name, address, and telephone number of the organization placing the calls, to the extent available (the FCC's rules require persons/entities making a telephone solicitation to your home to provide contact information)
- whether you have filed suit in state court and the state where any such suit was filed

2. File suit. Consumers have the right to sue a company in state courts in order to stop solicitation calls and/or receive monetary damages. By statute, you can receive up to \$500 in damages per violation or, if the court finds that the company willfully or knowingly violated the do-not-call regulations, up to \$1500 in damages per violation. You could also receive actual monetary losses; the court has complete discretion in setting damage amounts for such cases.

3. Contact state officials. Your local or state consumer protection office or your state Attorney General's office also may bring civil actions on behalf of its residents in order to stop unlawful conduct and/or collect damages. The damage limits cited above apply here as well.

How can you stop a telemarketer from calling you in the first place?

There are a number of other ways you can reduce the number of unsolicited calls you receive:

1. Contact your state to find out if it has its own do-not-call list. More than 25 states maintain a do-not-call database so that consumers residing in the state can register to stop receiving telemarketing calls.
2. Contact the Telephone Preference Service of the Direct Marketing Association. The DMA commercially publishes and markets lists of consumers who don't want to hear from telemarketers. Members of DMA will honor the do-not-call requests on the list; your name will be kept on the list for five years. Get your name included in the DMA list by sending your name, phone number (including area code), and address (including zip code) to: Telephone Preference Service, Direct Marketing Association, P.O. Box 9014, Farmingdale, NY 11735-9014. For a \$5 processing fee, you can also register online at <http://www.the-dma.org/cgi/offtelephonedave>.
3. Get an unlisted number. This tactic can help, though it won't stop calls from companies dialing numbers in sequential order by computer.
4. Keep your phone number to yourself. Don't list your phone number on your checks or forms, and don't give it to businesses unless absolutely necessary. If you do give your number to a business, request that they not share it with other companies.
5. Be aware that phone technology allows companies to see and "capture" a caller's number. When you call a company, some companies add your number to a marketing list. You can stop this practice at no cost by dialing *67 and waiting for a dial tone before placing a call, thus blocking the caller identifying information. Note: there is a charge for this service and individual call blocking does not work when phoning 800 or 900 numbers.
6. Screen your calls. Getting Caller ID (and/or Call Waiting ID) on your phone can tell you who's calling – and let you know if it's someone you want to hear from. Some phone companies also offer anonymous call rejection, which rejects calls from incoming sources that have blocked their numbers. Another method is relying on your answering machine to screen your calls; many telemarketers will hang up if they get a machine.